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EXAMINER

BAYERL, RAYMOND J

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,724

Applicant(s)

BURKE, PAUL E.

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. The disclosure is objected to because of the following informalities: please note at page 5, lines 6 – 7 that the reference numerals 40, 44 do not correspond to the drawing figure 1 (did applicant mean 44, 40?).

Appropriate correction is required.

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Please note the many examples of potentially executable URLs that appear, as at pages 14, 16, 17, 18, 20, 22.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 7, 12 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrell, Jr. ("Morrell"; US #2002/0089535 A1) in view of Dickman et al. ("Dickman"; US #5,877,765).

As per independent claim 1's "placing a first link on a vendor's web site page", Morrell, in providing LAYERED CONTINUITY ICONS AND PORTABLE RETURN LINKS, involves an object, including the return link, that is generated when a customer leaves a first, base Web site (Abstract). At paragraph [0016], Morrell notes that a customer at a first or base Web site triggers an applet ...upon activating a link to a second Web site. Thus, Morrell teaches that when the "first link" is selected, a "second

link" (the return link) is "placed on a visitor display", so that "selection of the second link...causes a vendor's web site page of the vendor's web site to be displayed". In Morrell, the customer can return to a previously-visited or base Web site or to a related Web site related to the base site via a simple, non-intrusive, one-step process (paragraph [0011]).

Morrell's installation of the object appears to be a passively-activated feature that follows along within a user's web-browsing session, and while the return link might reasonably read on the concept of the claimed "short cut", it is not **explicitly** produced by "an add short cut process started by selection of the first link". That is, the selection made by choosing a Morrell "first link" is not disclosed as being dedicated to a "short cut process", as in applicant's claimed invention.

However, the generation of INTERNET SHORTCUT ICONS ON THE DESKTOP is to be found within the context of a browser interface in Dickman, where such a "short cut" holds a link to a remote resource and will automatically activate the web browser when selected (Abstract). As shown in fig 7, a "Create shortcut" menu option 64 causes a shortcut for the active Internet document to be created on the virtual desktop 56 (col 6, lines 32 – 59).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to use the shortcut-creation of Dickman, responsive to selection of a link in a Morrell web site page, because this allows the purpose of Morrell to be set forth in a more systematic manner: the goal in Morrell is to place a related link to the "vendor's web site page" within the ongoing browsing session, and Dickman

allows for greater flexibility in placement of a “short cut”, and upon explicit user command.

As seen throughout Dickman’s figures, the entire Microsoft Windows desktop is made available for the placement of an internet shortcut. See also col 4, line 12 – col 5, line 4; col 7, lines 20 – 37). Therefore, any of “a Desktop menu” (claim 2), “Start menu” (claim 3), “Favorites list menu” (claim 4) , “Links Bar menu” (claim 5) or “Windows QuickLaunch (TRADEMARKED) Bar menu” (claim 6) are suggested.

Regarding claim 7, as noted above regarding Morrell, “the second link” (e.g., the return link) “identifies the vendor” to whom it is routed. Dickman, in permitting an internet shortcut icon to be entered into the desktop, suggests claim 12’s “granting privileges to allow a visitor shortcut software program to modify software on a visitor processor”.

The screen dialog discussed above, with mention of Dickman’s fig 7, begins as “a first pop up screen” (claim 13), and in this screen, the Create Shortcut selection is a “third link which can be selected to cause the shortcut process to continue” (claim 14). In the event of a menu process that is implemented within the Web site pages of Morrell, claim 15’s “HTML button” is also suggested. It was known in the art at the time of applicant’s invention to perform a number of operations of a systems nature by means of web-encoded interfaces.

As to the “first link” that “is a graphic button” (claim 16) or a “text button” (claim 17), such properties pertain to the Web format of Morrell.

5. Claims 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrell in view of Dickman and Hoyt et al. ("Hoyt"; US #2001/0034646).

While Morrell encourages return business in following the browsing course of the user, and while Dickman permits a more lasting version of such presence on the user's screen, the combination does not **explicitly** teach or suggest the "vendor"-specific, proprietary functions as found in these claims.

However, Hoyt, who is also concerned with CREATING A WEB PAGE RETURN LINK, is so configured that icons, logos, and other text and indicia from a sponsoring member web site (Abstract) are such that the return link system encourages referrals, makes advertising more efficient, and encourages and simplifies business affiliation. Hoyt's "special offer" such as a discount (paragraph [0070]) reads upon claim 8's "coupon code", the use of a profile for the new member with an ID number and password (paragraph [0042]) reads upon claim 9's "username and a password", the Instant Affiliate system (paragraph [0045]) upon claim 10's "affiliate", and claim 11's access "through a web site of the affiliate of the vendor".

It would also have been obvious to the person having ordinary skill in the art at the time of applicant's invention to use the customer management and service arrangement of Hoyt within the Morrell/Dickman combination, for this would help the returning Morrell user be better served, upon picking a Dickman-style shortcut.


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining US Patent documents made of record (see attached form PTO-892) relate to various topics concerning the management of web site links.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

20 February 2004